

Guidance on Developing Required Policies against Bullying

Background

1. The General Assembly has passed legislation requiring school committees to adopt rules and regulations meant to prevent bullying in the public schools under their respective jurisdictions. [R.I.G.L. 16-21-26, copy attached] These policies must be in effect by September 1, 2004. The Rhode Island Department of Education (RIDE) is required by this legislation to prepare for dissemination to school committees a model policy for the prevention of bullying. This model policy must be made available by December 1, 2003. [Copy of model policy attached]
2. The General Assembly and RIDE recognize that each school committee will need to develop individualized rules and regulations adapted to local conditions to prevent bullying. This document therefore includes some general considerations that may be taken into account in the development of appropriate of policies to deal with bullying.

General Considerations Relating to Bullying

3. Bullying may be motivated by, or include expressions of, discrimination against the victim of the bullying. Discrimination in this context means discrimination based upon race, color, religion, national origin, sex, sexual orientation, disability, appearance, height, weight, appearance, or clothing. A policy against bullying should take into account the psychological harm caused to the victim by such discrimination, and the harm that such discrimination does to the school community.
4. Students who see an act of bullying, and who then encourage it, are themselves engaging in bullying.
5. Students who passively witness an act of bullying and who do not report it have fallen short, at least in some measure, in their responsibility to help maintain a safe and secure school environment for themselves, and for other students.
6. School staff who witness an act of bullying and who do not intervene to prevent it, either directly or by calling for help, have fallen short in their responsibility to help maintain a safe and secure school environment for themselves, and other students.
7. Every school constitutes a community in miniature, and each of those communities should—and very well could—serve as a model of advanced

civilization, whose sinews are comprised of honest, open, respectful, and equitable interpersonal relationships between and among citizens of all types represented in the population. [Board of Regents Regulations]

8. Every student has a responsibility to act always in a way that does not abrogate the rights of any of his or her fellow students or of any school authority. [Board of Regents Regulations]
9. As a person with human dignity, every student has a right always and in all circumstances to be treated with respect and courtesy and never under any circumstances to be ridiculed. [Board of Regents Regulations]
10. "Given the school's need to be able to impose disciplinary sanctions for a wide range of unanticipated conduct disruptive of the educational process, the school disciplinary rules need not be as detailed as a criminal code which imposes criminal sanctions."¹

Statutes Relating to Bullying

11. R.I.G.L. 11-21-1. Penalty for hazing.
12. R.I.G.L. 11-21-2. Penalty for school official permitting hazing.
13. R.I.G.L. 16-21-7. School health program
14. R.I.G.L. 16-21-21. School discipline
15. R.I.G.L. 16-21-23. School safety plans
16. R.I.G.L. 16-21-26. Prevention of bullying

Cases Dealing with School Safety and Discipline

17. *In the Matter of Student R.C. Doe, Commissioner of Education*, May 14, 2001 [extent of school premises]
18. *J.S. v. Bethlehem Area School District*, 757 A.2d 412 (Pa.Cmwlth. 2000) [extent school premises]
19. *Donovan v. Ritchie*, 68 F.3d [Off school premises conduct]
20. *Rose v. Nashua Bd. Of Education*, 679 F.2d 279 (1982) [Group sanctions for student misconduct]

¹ *Bethel School District v. Fraser*, 478 U.S. 325 (1985)

21. *In the Matter of Jane A.K. Doe*, Commissioner of Education, March 6, 1996. [Responsibility for student safety]
22. *Parents of a Suspended Student vs. School Committee of Bristol*, Commissioner of Education, February 1, 1983. [Right to cross-examine witnesses]
23. *Newsome v. Batavia Local School District*, 842 F.2d 920, 925 (6th Cir., 1988); *Schneider v. Bd. of Education*, 255 F.Supp.2d 891 (N.D.nd. 2003) [Limitations on the Right to cross-examine witnesses]

Rhode Island Department of Education Documents

24. *Health Literacy for All Students—The Rhode Island Health Education Framework*, RIDE.
25. *Health Schools! Health Kids! Rhode Island's Plan for Comprehensive School Health*, RIDE.
26. *Health Schools! Health Kids! Rhode Island's Plan for Comprehensive School Health—Supplemental Volume*, RIDE.
27. *Comprehensive Health Instructional Outcomes*, RIDE.

Federal Guidance

28. Questions and Answers on Disciplining Students with Disabilities
29. Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties.

Books and Programs for Additional Reference and Guidance

A Guide to Effective Statewide Laws/Policies: Preventing Discrimination Against LGBT Students in K-12. GLSEN and Lambda Legal Defense and Education Fund. 2001.

A School-Based Anti-violence Program. Sudermann, M., Jaffe, P., Schiek, E. *et al.* (1996). London, ON: London Family Court Clinic.

Blueprint for Violence Prevention . Book 9, Bullying Prevention Program. United States Department of Justice, Office of Justice Programs, Juvenile Justice Delinquency Prevention. Bullying at School: What We Know and What We Can Do. Olweus, D. 1993. Cambridge, MA: Blackwell.

Bullying Behavior: Current Issues, Research and Interventions. Geffner, R.A., Loring, M. and Young, C. (Eds.) 2001. Haworth Press, New York.
Bully proof: A Teachers Guide to Teasing and Bullying for Use with Fourth and Fifth Grade

Students. Sjostrom, Lisa, & Stein, Nan. (1996). Boston, MA: Wellesley College Center for Research on Women and the NEA Professional Library.

Keys to Dealing With Bullies (Barron's Parenting Keys). Barry Edwards McNamara, Francine McNamara (Contributor). Keys Hauppauge, N.Y. : Barron's Educational Series, 1997.

Protecting Students from Harassment and Hate Crime: A Guide for Schools. United States Department of Education. 1999.

School Bullying: Insights and Perspectives. Smith, P. K., & Sharp, S. (1994). London : Routledge.

The Bullying Prevention Handbook: A Guide for Principals, Teachers and Counselors. Hoover, J.H. and Oliver, R. 1996. National Educational Service, Bloomington, IN.

Articles

Ahmad, Y., & Smith, P. K. (1994). Bullying in schools and the issue of sex differences. In John Archer (Ed.), *Male violence*. London: Routledge.

Batsche, G. M., & Knoff, H. M. (1994). Bullies and their victims: Understanding a pervasive problem in the schools. *School Psychology Review*, 23(2), 165-174.

13

Charach, A., Pepler, D., & Ziegler, S. (1995). Bullying at school--a Canadian perspective: A survey of problems and suggestions for intervention. *Education Canada*, 35(1), 12-18.

Loeber, R. and Dishion, T. (1983). Early Predictors of Male Delinquency: A Review. *Psychological Bulletin*, 94, 69-99.

McCoy, E. What to Do... When Kids Are Mean to Your Child (What to Do Parenting Guides, Vol. 1). Pleasantville, N.Y. : Reader's Digest, c1997. 96 p. : col. ill. ; 21 cm.

Nolin, M. J., Davies, E., & Chandler, K. (1995). *Student victimization at school*. National Center for Education Statistics/4Statistics in Brief (NCES 95-204).

Olweus, D. (1993b). Victimization by Peers: Antecedents and Long-term Consequences. In K.H. Rubin and J.B. Asendorf (eds.), *Social Withdrawal, Inhibition and Shyness in Childhood*. Hillsdale NJ: Erlbaum.

Patterson, G.R., DeBaryshe, B.D. and Ramsey, E. (1989). A Developmental Perspective on Antisocial Behaviour. *American Psychologist*, 44, 329-35.

Whitney, I., & Smith, P. K. (1993). A survey of the nature and extent of bullying in junior/middle and secondary schools. *Educational Research*, 35(1), 3-25.

Model Policy against Bullying

School Committee of Coddington, RI

1. **Prohibition against Bullying:** Bullying is prohibited in the public schools of Coddington, RI. [R.I.G.L. 16-21-26] The prevention of bullying is part of the Coddington school district's strategic plan [R.I.G.L.16-7.1-2(e)] and school safety plan [R.I.G.L. 16-21-24]
2. **Definition of Bullying:** Bullying occurs when a student, while at school, intentionally assaults, batters, threatens, harasses, stalks, menaces, intimidates, extorts, humiliates, or taunts another student. Bullying also occurs when a student or a group of students organize a campaign of shunning against another student or when a student or a group of students maliciously spread rumors about another student. In most circumstances bullying does not include a mutual fight between two students of roughly equal strength who are angry with each other. Such fights are subject to discipline as a violation of school rules prohibiting fighting.
3. **At School:** In the context of these regulations the phrase *at school* includes the following places and situations:
 - ◆ in a classroom
 - ◆ elsewhere in the school
 - ◆ on school property
 - ◆ immediately adjacent to school property
 - ◆ on a school bus or other school vehicle
 - ◆ at school bus stops
 - ◆ while students are walking to or from school
 - ◆ at any school-sponsored activity or event, whether or not held on school premises.
4. **Disciplinary Sanctions:** Disciplinary sanctions for bullying may include:
 - ◆ Loss of the opportunity to participate in extracurricular activities.
 - ◆ Loss of the opportunity to participate in school social activities.
 - ◆ Loss of the opportunity to participate in graduation exercises.

- ◆ Loss of school bus transportation.
 - ◆ Transfer to another school.
 - ◆ Assignment of additional homework or community service.
 - ◆ In house suspension.
 - ◆ Short term school suspension [10 or fewer days of suspension] or long term school suspension [suspension for more than 10 days].
 - ◆ Admonitions, warnings and counseling.
5. **Reporting Bullying:** The principal of each school in the Coddington School District shall establish, and prominently publicize to students, staff, volunteers, and parents, how a report of bullying may be filed and how this report will be acted upon. The victim of bullying, anyone who witnessed the bullying, and anyone who has credible information that an act of bullying has taken place may file a report of bullying.
 6. **Responsibility of Staff:** School staff shall take all reasonable measures to prevent bullying and shall report all acts of bullying that come to their attention. In this context the staff includes volunteers working in the school.
 7. **Instruction in the Prevention of Bullying:** Students and staff shall be given instruction in this district's Policy and Regulations against bullying. This instruction shall include methods of discouraging and preventing bullying, along with instruction in how to file a complaint against bullying, and the disciplinary action that may be taken against those who commit acts of bullying.
 8. **Responsibility of Students:** Students who observe an act of bullying or who have reasonable grounds to believe that bullying is taking place are obligated to report the bullying to school authorities. Failure to do so may result in disciplinary action. The victim of bullying shall, however, not be subject to discipline for failing to report the bullying.
 9. **Investigation of Bullying:** The principal, or his or her designee, shall investigate all allegations of bullying. If the allegation is found to be credible appropriate disciplinary sanctions, subject to any appropriate due process procedures, will be imposed. The investigation will include an assessment of what effect the bullying has had on the victim.
 10. **Help for the Victim of Bullying:** If the victim's mental health has been placed at risk appropriate referrals will be made. If the bullying included a violent criminal offense the victim of the bullying will be informed any school transfer rights he or she may have under the Federal *No Child Left Behind Act*.

11. **Prohibition against Retaliation:** Retaliation or threats of retaliation in any form designed to intimidate the victim of bullying, those who are witnesses to bullying, or those investigating an incident of bullying shall not be tolerated. In most cases retaliation or a threat of retaliation will result in the imposition of a short or long-term school suspension and, in appropriate cases, referral to the police. [R.I.G.L.11-42-2. Extortion and blackmail] [R.I.G.L.-59-2. Stalking prohibited]
12. **Prohibition against False Reports of Bullying:** False reports concerning bullying will be subject to appropriate school discipline, including short or long term suspension from school.
13. **Individualized School Safety Plan:** If a student is the victim of serious or persistent bullying the principal of the school will prepare a written school safety plan outlining what steps will be taken to provide the student with a safe educational environment. This plan will be developed, if possible, with input from the parents of the student. Staff members who are to implement the plan will help formulate it.
14. **Police Notification:** When the bullying involves conduct that violates the criminal law the police shall be notified.
15. **Mediation Board:** The principal of any school in the District of Coddington may establish a Mediation Board to resolve complaints of bullying in circumstances where mediation may provide an appropriate remedy. The Mediation Board may, when appropriate, include students.
16. **Voluntary Participation in Mediation:** No student who is the victim of bullying shall be required to participate in mediation or to accept any apology tendered by the bullying student. The decision of a victim of bullying not to participate in a mediation program shall not diminish the obligation of the school to impose discipline against the student who has committed an act of bullying.
17. **Bullying Prevention Task Force:** The principal of each school in this district shall establish a Bullying Prevention Task Force. This Task Force may include parents, school staff, and law enforcement officers, as well as community members and, if age allows, students. The purpose of this Task Force will be to develop policies and programs to educate students and staff about the harm caused by bullying. The Task Force may also create programs to prevent or diminish bullying. The program recommendations of the Task Force shall be subject to review by the School Committee before the programs are implemented. The duties of the

Bullying Prevention Task Force may be assigned to the school's student intervention team [R.I.G.L. 16-7.1-2] or to the school's school improvement team [R.I.G.L.16-53.1-2].

18. **School Atmosphere:** School staff at all times will model correct and courteous behavior to each other, to students, and to visitors to the school. Abusive or humiliating language or demeanor will not be accepted. An effort will be made to ensure that each student is well know by at least one certified teacher so that the student will have an someone to turn to at school if a bullying situation develops. To the extent possible the influence of cliques and other exclusive student groupings will be diminished by the creation of a range of inclusive school activities in which students will be encouraged to participate. [R.I.G.L. 16-38-4. Exclusive clubs].
19. **Social Skills Training:** The school health program and school counseling services will include appropriate social skills training to help students avoid isolation and to help them interact in a healthy manner.
20. **Reports to the Superintendent and to the School Committee:** School principals will provide the Superintendent of Schools and the School Committee with a semi-annual report on incidents of bullying which have taken place in the schools under their respective supervision. This report will include a statement describing what remedial action has been taken to address bullying.